

CVC JOURNAL OF HOPE

WELCOME READERS

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Taking a proactive approach in assisting victims and their families during some of their darkest hours is a challenging task with which our staff prides itself. Money will not always ease the burden of being victimized, however, treating victims with compassion and showing them that someone cares is always a step in the right direction. Highlights in this issue of the *CVC Journal of Hope* include the Program's policy of requiring birth certificates for filing compensation claims, the issue of notarized signatures on applications and clarification of the documentation needed for consideration of medical expenses, counseling expenses, dental expenses, funeral expenses and lost wages/

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loss of support. If you have any questions regarding either the Crime Victims' Compensation Program or Sexual Assault Forensic Examination Program, feel free to call us at 573-526-6006 or visit our website at www.dps.mo.gov/CVC.

BIRTH CERTIFICATES REQUIRED FOR FILING COMPENSATION CLAIMS

State law effective August 28, 2008, prohibiting illegal aliens from receiving any state or local benefits prompted the Crime Victims' Compensation Program to require birth certificates for those seeking compensation. A U.S. citizen may submit a copy of their birth certificate issued by a state or local government. Hospital-issued birth certificates are not acceptable.

According to Section 208.009, RSMo, a non-citizen must provide affirmative proof that they are a permanent resident of the United States or lawfully present in the United States. Affirmative proof includes documents recognized by the department of revenue when applying for a driver's license, such as a Missouri driver's li-

cense as well as any document issued by the federal government that confirms a person's lawful presence in the U.S. Likewise, an applicant who cannot provide proof as mentioned above must instead provide an affidavit attesting to either United States citizenship or classification by the United States as an alien lawfully admitted for permanent residence.

For the purpose of processing compensation claims, this Program recognizes such federal documents as naturalization papers, green cards, student visas and work visas as forms of proof that a person is lawfully residing in the United States.

EXPENSES 101...WHAT IS NEEDED?

Many wonder what documentation is needed when filing for medical expenses, counseling expenses, funeral expenses and lost wages. The following is aimed at answering questions before they even arise.

Medical Expenses

The Program can pay up to \$25,000 to cover crime-related medical expenses for victims who have sustained bodily injury. Under state law, the expenses must be reasonable and medically necessary. In some instances it may be necessary to review a victim's medical records in order to determine whether treatment is crime related and not for a pre-existing condition; especially for treatment occurring months or even a year after the crime date. Current rules (8 CSR 50-6.010) governing the Program stipulate that "the claimant shall file... current medical reports covering treatment, diagnosis and prognosis, including an estimate of any permanent injury impairing claimant's ability to secure gainful employment." Prescriptions are also compensable.

So what **documentation** is **needed** to consider medical expenses?

- Police report (from victim/claimant if requested by the Program)
- Victim's & claimant's birth certificate (or other acceptable documents proving legal residency in the U.S.)
- Crime related medical bills
- Copies of prescriptions with the name of the medication, the date filled and the cost
- Medical records (if requested by the Program)

Dental Expenses

In addition to medical expenses, the victim of assault may have also incurred dental expenses. As with medical expenses, the Program will consider only reasonable and medically necessary dental expenses. Staff will request itemized bills and dental records to ensure that treatment sought is not due to poor dental hygiene or a pre-existing dental condition such as decayed teeth, periodontal disease or mal-aligned teeth. If a victim has gum disease, the Program will only consider those teeth immediately affected by the crime, even though a dentist may have determined that the upper teeth need to be removed and replaced by dentures due to dental caries and gum disease. CVC staff can request from the dentist a copy of all dental charts, copies of x-rays, photographs of the mouth/teeth and a narrative letter describing the injury, how it is crime related and the specific work to be done. Note that CVC will **not** pay for dental implants.

Counseling Expenses

The Program covers counseling expenses and in sexual assault cases involving minors, CVC will consider counseling expenses for the parents and other immediate family members living in the same household in order to assist the victim in the healing process. The same holds true for a spouse, whose wife or husband was sexually assaulted. The maximum amount allowed for counseling expenses is \$2,500 per victim and secondary victim. By statute, therapists must be licensed. A student working on a practicum is not acceptable.

What **documentation** is **needed** to consider counseling expenses?

- Police report (from victim/claimant if requested by the Program)
- Victim's & claimant's birth certificate (or other acceptable documents proving legal residency in the U.S.)
- Secondary victim's birth certificate
- Itemized counseling bill(s) for each eligible victim
- Counseling treatment plan (from therapist)
- Therapist's current license (from therapist)

Funeral Expenses

A maximum of \$5,000 is allowed for funeral expenses. The Program covers actual expenses reasonably incurred for preparation and burial. Items that the Program can cover: funerals, headstones, transportation of the body, flowers and the victim's burial clothing.

What **documentation** is **needed** to consider funeral expenses?

- Police report (from victim/claimant if requested by the Program)
- Victim's & claimant's birth certificate (or other acceptable documents proving legal residency in the U.S.)
- Death Certificate
- Funeral bill and paid funeral expense receipts

Memorials: Memorial money or donations received by the victim's family is considered a collateral source and is deducted when calculating the amount to pay for funeral expenses. The collateral source is deducted from the claimant's total cost, not from the maximum allowable award. Here is an example:

Total cost of funeral	\$7,000
Minus memorials/donations	<u>\$1,000</u>
	\$6,000

Total CVC benefits payable: \$5,000

Note: With proper documentation such as receipts from a funeral home, the Program can consider reimbursing individuals who helped pay toward a funeral expense (i.e., grandparents, neighbors, aunts, uncles, friends, etc.) but are not a party to the claim.

Loss of Support

In death cases, the Program may compensate claimants (dependents) for **loss of support** provided by the victim prior to his or her death. A dependent includes any person who is wholly or partially dependent upon a deceased victim for support at the time of the crime. See Section 595.010.1(8), RSMo, for the definition of dependent. The deceased must have been gainfully employed at the time of the crime. Claimants must submit birth certificates for dependent children and the name and address of the employer for verification, or a copy of the victim's federal tax returns if the deceased was self-employed. If the dependent children were not living with the victim at the time of the crime, the parent of the child(ren) seeking loss of support must provide court-ordered child support documentation to the Program. If grandparents are taking care of the children and seeking loss of support, they must provide legal guardianship papers as well as birth certificates for the children.

The following **documentation** is **needed** for loss of support.

- Police report (from victim/claimant if requested by the Program)
- Victim's & claimant's birth certificate (or other acceptable documents proving legal residency in the U.S.)
- Death Certificate
- Employment verification (from employer) or federal tax returns
- Guardianship papers or child support papers
- Birth certificate(s) for minor children

Lost Wages

CVC considers up to \$200 per week for wage loss. The victim must have lost two continuous weeks of earnings from gainful employment. There is, however, one exception. Wage loss for less than two weeks due to the crime will be considered if the victim incurred medical or counseling bills. If a victim is self-employed, he or she must submit their last two year's federal tax returns.

See Lost Wages, page 4

Lost Wages*continued from page 3*

The Program does not compensate victims for paid annual leave, sick leave or holiday pay used due to the crime. Also, a parent or the spouse of a victim may not be compensated for their wage loss unless it is documented by a treating physician that it was medically necessary for the parent or spouse to be home with the victim. CVC does not cover time taken by victims or claimants to appear in court or meet with attorneys or probation officers. Are the lost wages awarded by CVC taxable? The Program has been advised that lost wages paid to victims and loss of support paid to claimants is not taxable. However, victims with any tax questions should contact the Missouri Department of Revenue.

What **documentation** is **needed** to consider lost wages?

- Police report (from victim/claimant if requested by the Program)
- Victim's & claimant's birth certificate (or other acceptable documents proving legal residency in the U.S.)
- Employment verification (from employer)
- Signed disability statement from treating physician

- If self-employed, the victim must submit their last two year's federal tax returns
- Medical records (if requested by the Program)
- Disability benefits from insurance company (if requested by the Program)

Disability

If a victim is totally disabled, CVC will consider the maximum benefit of \$25,000 in lost wages first. This holds true even if there are outstanding medical expenses to be paid.

For victims seeking lost wages who are not permanently, totally disabled, earnings can be paid in 90-day increments with a valid disability statement and employment verification. If additional lost wages are sought, CVC will request another disability statement and re-verify that the victim is still employed and remains off work as a result of crime-related injuries. Disability benefits received through the employer is considered when calculating possible lost wages.

If the victim is terminated due to crime-related injuries, the Program can consider lost wages with a current disability statement and medical records from the treating physician indicating that crime-related injuries caused permanent disability.

THE IMPORTANCE OF NOTARIZATION

In an effort to prevent fraud and ensure the validity of signatures on applications submitted to the Program, the Missouri General Assembly passed legislation 16 years ago requiring that the signatures on these applications be notarized. However, CVC policy dictates that providers such as funeral homes, who have a financial interest in the claim, are not allowed to notarize applications for their clients. CVC staff reviews signatures closely when receiving applications and again when signed offer letters are returned to the office to make sure that the signatures match the application before requisitioning checks for an award. On occasion, signatures do not match because an applicant may have signed his/her name shortly after being admitted to a hospital or treated in an emergency room. If the signatures do not match, victims/claimants are sent a back page of an application that must be signed in front of a notary public and returned to this office.

Notaries follow strict guidelines as governed by Chapter 486, RSMo. According to the Secretary of State's Office website, notaries are required to keep a permanently bound journal (except those connected with judicial proceedings and those for whose public record is publicly filed within 90 days of execution) of their notary acts. Each notary is required to document the month, day and year of notarization; the type of notarization; the type of document; the name and address of the signer; the identification used by the signer; the notary fee (if any); and the signature of the signer.